

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Criminal No. 08-125(1) (JNE/JJG)
ORDER

Jesus Gutierrez-Cortez,

Defendant.

This case is before the Court on a Report and Recommendation issued by the Honorable Jeanne J. Graham, United States Magistrate Judge, on June 30, 2008. The magistrate judge recommended denial of Defendant's Motion to Suppress Evidence Obtained by Search and Seizure, Motion to Suppress Identification Evidence, Motion to Sever Defendant, and Motion to Dismiss Indictment for Duplicity. The magistrate judge also recommended denial of Defendant's Motion to Suppress Confessions or Statements in the Nature of Confessions and Motion to Suppress Electronic Surveillance and Wiretapping Evidence as moot. Defendant objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Defendant's Motion to Suppress Confessions or Statements in the Nature of Confessions [Docket No. 38] is DENIED AS MOOT.
2. Defendant's Motion to Suppress Electronic Surveillance and Wiretapping Evidence [Docket No. 39] is DENIED AS MOOT.
3. Defendant's Motion to Suppress Evidence Obtained by Search and Seizure [Docket No. 40] is DENIED.
4. Defendant's Motion to Suppress Identification Evidence [Docket No. 41] is DENIED.

5. Defendant's Motion to Sever Defendant [Docket No. 54] is DENIED.
6. Defendant's Motion to Dismiss Indictment for Duplicity [Docket No. 67] is DENIED.

Dated: August 5, 2008

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge